

HB 167

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CHAMBER ACTION

1 The Community Colleges & Workforce Committee recommends the
2 following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the awarding of baccalaureate degrees
8 by community colleges; amending s. 1001.64, F.S.;
9 providing that community colleges that grant baccalaureate
10 degrees remain under the authority of the State Board of
11 Education with respect to specified responsibilities;
12 providing that the board of trustees is the governing
13 board for purposes of granting baccalaureate degrees;
14 providing powers of the boards of trustees, including the
15 power to establish tuition and out-of-state fees;
16 providing restrictions; requiring such boards to adopt a
17 policy requiring teachers who teach certain upper-division
18 courses to teach a specified minimum number of hours;
19 amending s. 1004.65, F.S.; requiring community colleges
20 that offer baccalaureate degrees to maintain their primary
21 purpose and prohibiting such community colleges from
22 terminating associate degree programs; amending s.
23 1007.33, F.S.; requiring that an agreement for the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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24 delivery of specified baccalaureate degree programs by a
25 regionally accredited college or university at a community
26 college site include certain provisions; requiring that
27 the curriculum for a degree be developed and approved
28 within a specified time; requiring notification of
29 colleges and universities in the district of intent to
30 offer the degree; allowing colleges and universities to
31 propose an alternative plan for providing the degree;
32 amending s. 1009.23, F.S.; providing guidelines and
33 restrictions for setting tuition and out-of-state fees for
34 upper-division courses; requiring the State Board of
35 Education to adopt a resident fee schedule for
36 baccalaureate degree programs offered by community
37 colleges; amending s. 1011.83, F.S.; providing
38 requirements for funding nonrecurring and recurring costs
39 associated with such programs; limiting per-student
40 funding to a specified percentage of costs associated with
41 baccalaureate degree programs offered in state
42 universities; requiring community colleges to maintain a
43 distinction in reporting and funding between certain
44 baccalaureate degree programs; amending s. 1013.60, F.S.;
45 allowing community college boards of trustees to request
46 funding for all authorized programs; requiring that
47 enrollment in baccalaureate degree programs be computed
48 into the survey of need for facilities; providing an
49 effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

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53 Section 1. Subsections (1), (2), and (8) of section
54 1001.64, Florida Statutes, are amended to read:

55 1001.64 Community college boards of trustees; powers and
56 duties.--

57 (1) The boards of trustees shall be responsible for cost-
58 effective policy decisions appropriate to the community
59 college's mission, the implementation and maintenance of high-
60 quality education programs within law and rules of the State
61 Board of Education, the measurement of performance, the
62 reporting of information, and the provision of input regarding
63 state policy, budgeting, and education standards. Community
64 colleges may grant baccalaureate degrees pursuant to s. 1007.33
65 and shall remain under the authority of the State Board of
66 Education with respect to planning, coordination, oversight, and
67 budgetary and accountability responsibilities.

68 (2) Each board of trustees is vested with the
69 responsibility to govern its respective community college and
70 with such necessary authority as is needed for the proper
71 operation and improvement thereof in accordance with rules of
72 the State Board of Education. This authority includes serving as
73 the governing board for purposes of granting baccalaureate
74 degrees as authorized in s. 1007.33 and approved by the State
75 Board of Education.

76 (8) Each board of trustees has authority for policies
77 related to students, enrollment of students, student records,
78 student activities, financial assistance, and other student
79 services.

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(a) Each board of trustees shall govern admission of students pursuant to s. 1007.263 and rules of the State Board of Education. A board of trustees may establish additional admissions criteria, which shall be included in the district interinstitutional articulation agreement developed according to s. 1007.235, to ensure student readiness for postsecondary instruction. Each board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the community college.

(b) Each board of trustees shall adopt rules establishing student performance standards for the award of degrees and certificates pursuant to s. 1004.68. The board of trustees of a community college that is authorized to grant a baccalaureate degree under s. 1007.33 may continue to award degrees, diplomas, and certificates as authorized for the college, and in the name of the college, until the college receives any necessary changes to its accreditation.

(c) Each board of trustees shall establish tuition and out-of-state fees for approved baccalaureate degree programs, consistent with law and proviso language in the General Appropriations Act. However, a board of trustees may not increase tuition and out-of-state fees as provided in s. 1009.23(4).

(d)~~(e)~~ Boards of trustees are authorized to establish intrainstitutional and interinstitutional programs to maximize articulation pursuant to s. 1007.22.

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108 ~~(e)(d)~~ Boards of trustees shall identify their core
109 curricula, which shall include courses required by the State
110 Board of Education, pursuant to the provisions of s. 1007.25(6).

111 ~~(f)(e)~~ Each board of trustees must adopt a written
112 antihazing policy, provide a program for the enforcement of such
113 rules, and adopt appropriate penalties for violations of such
114 rules pursuant to the provisions of s. 1006.63(1)-(3).

115 ~~(g)(f)~~ Each board of trustees may establish a uniform code
116 of conduct and appropriate penalties for violation of its rules
117 by students and student organizations, including rules governing
118 student academic honesty. Such penalties, unless otherwise
119 provided by law, may include fines, the withholding of diplomas
120 or transcripts pending compliance with rules or payment of
121 fines, and the imposition of probation, suspension, or
122 dismissal.

123 ~~(h)(g)~~ Each board of trustees pursuant to s. 1006.53 shall
124 adopt a policy in accordance with rules of the State Board of
125 Education that reasonably accommodates the religious observance,
126 practice, and belief of individual students in regard to
127 admissions, class attendance, and the scheduling of examinations
128 and work assignments.

129 (i) Each board of trustees shall adopt a policy providing
130 that faculty who teach upper-division courses that are a
131 component part of a baccalaureate degree program must meet the
132 requirements of s. 1012.82.

133 Section 2. Paragraph (a) of subsection (7) and subsection
134 (9) of section 1004.65, Florida Statutes, are amended to read:

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1004.65 Community colleges; definition, mission, and responsibilities.--

(7) A separate and secondary role for community colleges includes:

(a) Providing upper level instruction and awarding baccalaureate degrees as specifically authorized by law. A community college that is approved to offer baccalaureate degree programs shall maintain its primary mission pursuant to subsection (6) and may not terminate associate in arts or associate in science degree programs as a result of the authorization to offer baccalaureate degree programs.

(9) Community colleges are authorized to offer such programs and courses as are necessary to fulfill their mission and are authorized to grant associate in arts degrees, associate in science degrees, associate in applied science degrees, certificates, awards, and diplomas. Each community college is also authorized to make provisions for the General Educational Development test. Each community college may provide access to and award baccalaureate degrees in accordance with law.

Section 3. Subsection (4) of section 1007.33, Florida Statutes, is renumbered as subsection (6) and new subsections (4) and (5) are added to said section to read:

1007.33 Site-determined baccalaureate degree access.--

(4) A formal agreement for the delivery of specified baccalaureate degree programs by a regionally accredited public or private college or university at a community college site must include:

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162 (a) A guarantee that students will be able to complete the
163 degree in the community college district.

164 (b) A financial commitment to the development,
165 implementation, and maintenance of the specified degree program
166 on behalf of the college or university which includes timelines.

167 (c) A plan for collaboration in the development and
168 offering of the curriculum for the specified degree by faculty
169 at both the community college and the college or university. The
170 curriculum for the specified degree must be developed and
171 approved within 6 months after the agreement between the
172 community college and the college or university is signed.

173 (5) A community college proposal to deliver a specified
174 baccalaureate degree program must document that the community
175 college has notified in writing the accredited public and
176 private colleges and universities in the community college's
177 district of its intent to seek approval for delivery of the
178 proposed program. The notified colleges and universities have 90
179 days to submit in writing to the community college an
180 alternative plan for providing the specified degree program.

181 Section 4. Subsections (1), (2), and (3) of section
182 1009.23, Florida Statutes, are amended to read:

183 1009.23 Community college student fees.--

184 (1) Unless otherwise provided, ~~the provisions of this~~
185 section applies apply only to fees charged for college credit
186 instruction leading to an associate in arts degree, an associate
187 in applied science degree, ~~or~~ an associate in science degree, or
188 a baccalaureate degree authorized by the State Board of

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189 Education pursuant to s. 1007.33 and for noncollege credit
190 college-preparatory courses defined in s. 1004.02.

191 (2)(a) All students shall be charged fees except students
192 who are exempt from fees or students whose fees are waived.

193 (b) Tuition and out-of-state fees for upper-division
194 courses must reflect the fact that the community college has a
195 less expensive cost structure than that of a state university.
196 Therefore, the board of trustees shall establish tuition and
197 out-of-state fees for upper-division courses consistent with law
198 and proviso language in the General Appropriations Act. However,
199 the board of trustees may not increase tuition and out-of-state
200 fees as provided in subsection (4). Identical fees shall be
201 required for all community college resident students within a
202 college who take a specific course, regardless of the program in
203 which they are enrolled.

204 (3) The State Board of Education shall adopt by December
205 31 of each year a resident fee schedule for the following fall
206 for advanced and professional programs, associate in science
207 degree programs, baccalaureate degree programs authorized by the
208 State Board of Education pursuant to s. 1007.33, and college-
209 preparatory programs that produce revenues in the amount of 25
210 percent of the full prior year's cost of these programs. Fees
211 for courses in college-preparatory programs and associate in
212 arts and associate in science degree programs may be established
213 at the same level. In the absence of a provision to the contrary
214 in an appropriations act, the fee schedule shall take effect and
215 the colleges shall expend the funds on instruction. If the
216 Legislature provides for an alternative fee schedule in an

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217 appropriations act, the fee schedule shall take effect the
218 subsequent fall semester.

219 Section 5. Section 1011.83, Florida Statutes, is amended
220 to read:

221 1011.83 Financial support of community colleges.--

222 (1) Each community college that has been approved by the
223 Department of Education and meets the requirements of law and
224 rules of the State Board of Education shall participate in the
225 Community College Program Fund. However, funds to support
226 workforce education programs conducted by community colleges
227 shall be provided pursuant to s. 1011.80. A community college
228 shall fund the nonrecurring costs related to the initiation of a
229 new baccalaureate degree program under s. 1007.33 without new
230 state appropriations unless special grant funds are designated
231 by the State Board of Education, subject to funding by the
232 Legislature for this purpose. However, a new baccalaureate
233 degree program may not accept students unless there is a
234 recurring legislative appropriation for this purpose. A
235 community college that is authorized to grant baccalaureate
236 degrees under s. 1007.33 must receive recurring operational
237 funding:

238 (a) As a community college for its workforce education
239 programs and for its lower-division-level college credit courses
240 and programs funded by the Community College Program Fund under
241 this section.

242 (b) As a baccalaureate-degree-level institution for its
243 upper-division-level courses and programs. State support for
244 these programs may not exceed 85 percent of the amount of state

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support per full-time equivalent student in a comparable state university program. Funds appropriated for this purpose may be used only for the baccalaureate degree programs.

(2) A community college that grants baccalaureate degrees shall maintain reporting and funding distinctions between any baccalaureate degree program approved under s. 1007.33 and any other baccalaureate degree programs involving traditional concurrent-use partnerships.

Section 6. Subsection (2) of section 1013.60, Florida Statutes, is amended to read:

1013.60 Legislative capital outlay budget request.--

(2) The commissioner shall submit to the Governor and to the Legislature an integrated, comprehensive budget request for educational facilities construction and fixed capital outlay needs for school districts, community colleges, and universities, pursuant to the provisions of s. 1013.64 and applicable provisions of chapter 216. Each community college board of trustees and each university board of trustees shall submit to the commissioner a 3-year plan and data required in the development of the annual capital outlay budget. Community college boards of trustees may request funding for all authorized programs, including approved baccalaureate degree programs. Notwithstanding s. 1004.73(7) or any other provision of law, such a request for funding must be submitted as a part of the 3-year priority list for community colleges pursuant to s. 1013.64(4)(a). Enrollment in approved baccalaureate degree programs must be computed into the survey of need for facilities. ~~No~~ Further disbursements may not ~~shall~~ be made from

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273 | the Public Education Capital Outlay and Debt Service Trust Fund
274 | to a board of trustees that fails to timely submit the required
275 | data until such board of trustees submits the data.

276 | Section 7. This act shall take effect July 1, 2005.